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Source: League of Nations

10 August 1922

PALESTINE.

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The Palestine Order in Council.

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PART I. PRELIMINARY

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PART III. LEGISLATURE

PART IV. APPLICATION OF CERTAIN BRITISH STATUTES

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PART VII. VALIDATION OF ORDINANCES, AND INDEMNIFICATION

PART VIII. GENERAL

AT THE COURT AT BUCKINGHAM PALACE,
The 10th day of August, 1922.
PRESENT,
THE KING'S MOST EXCELLENT MAJESTY.
LORD CHAMBERLAIN.
LORD STAMFORDHAM.
MR. SECRETARY SHORTT.
MR. MCCURDY.

WHEREAS the Principal Allied Powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations, to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them;

And whereas the Principal Allied Powers have also agreed that the Mandatory

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be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country;

And whereas the Principal Allied Powers have selected His Majesty as the Mandatory for Palestine;

And whereas, by treaty, capitulation, grant, usage, sufferance and other lawful means, His Majesty has power and jurisdiction within Palestine.

NOW, THEREFORE, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise, in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:--

PART I.
PRELIMINARY.

Title. 1. This Order may be cited as "The Palestine Order in Council, 1922."

The limits of this Order are the territories to which the Mandate for Palestine applies, hereinafter described as Palestine.

Definitions. 2. In this Order the word:--

"Secretary of State" means one of His Majesty's Principal Secretaries of State.

"The High Commissioner" shall include every person for the time being administering the Government of Palestine.

"Public Lands" means all lands in Palestine which are subject to the control of the Government of Palestine by virtue of Treaty, convention, agreement or succession, and all lands which are or shall be acquired for the public service or otherwise.

"The Mandate" means the Mandate for Palestine which was confirmed, and the terms of which were defined by the Council of the League of Nations on the 24th day of July, 1922.

"The High Commissioner in Council" means the High Commissioner acting by and with the advice of the Executive Council.

"Gazette" means the Official Gazette of Palestine.

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than one person or thing, and words importing the masculine as referring to females (as the case may require).

Interpretation. 3.--(i) Where this Order or any Ordinance confers a power or imposes a duty, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(ii) Where this Order or any Ordinance confers a power or imposes a duty on the holder of an office, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed by the holder of the office for the time being or by a person duly appointed to act for him.

(iii) Where this Order or any Ordinance confers a power to make rules, regulations or orders, then, unless a contrary intention appears, the power shall be construed as including a power exercisable in the like manner and subject to the like approval and conditions (if any) to rescind, revoke, amend or vary the rules, regulations or orders.

iv) Expressions defined in this Order shall have the same respective meaning in any Ordinances, rules or regulations made under this Order, unless a contrary intention appears.

PART II.
EXECUTIVE.

Office of High Commissioner. 4. His Majesty may, by a Commission under His Sign Manual and Signet, appoint a fit person to administer the Government of Palestine under the designation of High Commissioner and Commander-in-Chief or such other designation as His Majesty thinks fit, and the person so appointed is hereinafter referred to as the High Commissioner.

Powers of High Commissioner. 5. The High Commissioner shall do and execute in due manner all things that shall belong to the said office, according to the tenour of any Orders in Council relating to Palestine and of such Commission as may be issued to him under His Majesty's Sign Manual and Signet, and according to such instructions as may from time to time be given to him, for the purpose of executing the provisions of the Mandate, under His Majesty's Sign Manual and Signet, or by Order of His Majesty in Council or by His Majesty through one of His Principal Secretaries of State, and to such laws and ordinances as are now or shall hereafter be in force in Palestine.

Publication of High Commissioner's Commission. 6. Every person to fill the Office of High Commissioner shall, with all due solemnity, before entering on any of the duties of his office cause the Commission appointing him to be High Commissioner to be read and published in the presence of the

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Allegiance in the form provided by an Act passed in the Session holden in the Thirty-first and Thirty-second years of the Reign of Her Majesty Queen Victoria, entitled, "An Act to amend the Law relating to Promissory Oaths," and likewise the usual oaths for the due execution of the Office of High Commissioner and for the due and impartial administration of justice, which oaths the said Chief Justice, or some other of His Majesty's Officers then present, is hereby required to administer.

Succession to Government.

7. Whenever the office of High Commissioner is vacant or if the High Commissioner become incapable or be absent from Palestine, or be from any cause prevented from acting in the duties of his office, the person appointed to be Chief Secretary to the Government of Palestine, or if there be no such officer therein, or such officer be unable to act, then such person or persons as His Majesty may appoint under His Sign Manual and Signet and in default of such appointment the Senior Member of the Executive Council shall during His Majesty's pleasure administer the Government of Palestine, first taking the oaths hereinbefore directed to be taken by the High Commissioner and in the manner herein prescribed, which being done, the Chief Secretary or any other such Administrator as aforesaid is hereby authorised, empowered and commanded to do and execute during His Majesty's pleasure, all things that belong to the office of the High Commissioner according to the tenour of this Order, and according to His Majesty's Instructions as aforesaid, and the laws of Palestine.

Administrator.

Oaths to be taken by the Administrator.

Provided that the High Commissioner during his passage by sea from one part of Palestine to another, or when, in the exercise or discharge of any powers or duties by this Order in Council or otherwise conferred or imposed upon him, he is in any territories adjacent to or near to Palestine, shall not be considered to be absent from Palestine.

Appointment of Deputy to High Commissioner.

8. In the event of the High Commissioner having occasion at any time to be temporarily absent for a short period from the seat of Government, or, in the exercise or discharge of any powers or duties conferred or imposed upon him by His Majesty, or through one of His Majesty's Principal Secretaries of State, to visit any territories adjacent to or near to Palestine, he may by an instrument under the Public Seal of Palestine appoint the Chief Secretary, or if there be no such Officer or such Officer is absent or unable to act, then any other person to be his Deputy within any part of Palestine, during such temporary absence and in that capacity to exercise, perform and execute, for and on behalf of the High Commissioner during such absence but no longer, all such powers and authorities vested in the High Commissioner (except the power of pardon), as shall in and by such instrument be

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Deputy as aforesaid the power and authority of the High Commissioner shall not be abridged, altered, or in any way affected otherwise than His Majesty may at any time think proper to direct.

Public Seal. 9. The High Commissioner shall keep and use the Public Seal of Palestine for the sealing of all things whatsoever that shall pass the said Public Seal.

Executive Council. 10. There shall be for the purpose of assisting the High Commissioner an Executive Council which shall be composed of such persons and constituted in such manner as may be directed by any instructions which may from time to time be addressed to the High Commissioner by His Majesty, under His Majesty's Sign Manual and Signet, and all such persons shall hold their places in the said Council during His Majesty's pleasure; and the said Executive Council shall observe such Rules in the conduct of business as may from time to time be contained in any such Instructions as aforesaid.

Definition of boundaries, formation of districts, etc. 11.--(1) The High Commissioner may, with the approval of a Secretary of State, by Proclamation divide Palestine into administrative divisions or districts in such manner and with such subdivisions as may be convenient for purposes of administration describing the boundaries thereof and assigning names thereto.

(2) If a question arises whether any place is or is not within any administrative division or district, and such question does not appear to be determined by any such Proclamation or other evidence, it shall be referred to the High Commissioner, and a certificate under his hand and seal shall be conclusive on the question, and judicial notice shall be taken thereof.

Public Lands. 12.--(1) All rights in or in relation to any public lands shall vest in and may be exercised by the High Commissioner for the time being in trust for the Government of Palestine.

(2) All mines and minerals of every kind and description whatsoever being in, under or on any land or water, whether the latter be inland rivers or seas or territorial waters, shall vest in the High Commissioner subject to any right subsisting at the date of this Order of any person to work such mines or minerals by virtue of a valid concession.

High Commissioner empowered to make grants of land. 13. The High Commissioner may make grants or leases of any such public lands or mines or minerals or may permit such lands to be temporarily occupied on such terms or conditions as he may think fit subject to the provisions of any Ordinance.

Provided that such grant or disposition shall be in conformity either with some Order in Council or Law or Ordinance now or

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Appointment of officers.

14. The High Commissioner may, subject to the direction of the Secretary of State, appoint or authorise the appointment of such public officers of the Government of Palestine under such designations as he may think fit, and may prescribe their duties; and all such public officers, unless otherwise provided by law, shall hold their offices during the pleasure of the High Commissioner.

Suspension of public officers.

15. The High Commissioner may, subject to such instructions as may from time to time be given to him, upon sufficient cause to him appearing, dismiss or suspend from the exercise of his office any person holding any public office within Palestine, or, subject as aforesaid, may take such other disciplinary action as may seem to him desirable.

Grant of pardon.

16. When any crime or offence has been committed within Palestine, or for which the offender may be tried therein, the High Commissioner may, as he shall see occasion, grant a pardon to any accomplice in such crime or offence who shall give such information and evidence as shall lead to the conviction of the principal offender or of any such offenders if more than one; and further may grant to any offender convicted of any crime or offence in any Court or before any Judge, or Magistrate, within Palestine a pardon, either free or subject to lawful conditions, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence, for such period as the High Commissioner thinks fit, and may, as he shall see occasion, remit any fines, penalties or forfeitures which may accrue or become payable in virtue of the judgment of any Court or Magistrate in Palestine.

Remission of fines.

PART III.
LEGISLATURE.

Legislative Council.

17. From and after a date to be fixed by the High Commissioner in Executive Council by proclamation in the Gazette, there shall be constituted a Legislative Council in and for Palestine as in this Order provided, which shall replace any Advisory Council then existing.

The powers of the High Commissioner now subsisting to pass Ordinances after consultation with the Advisory Council shall continue in force until the date of the election of members to the legislature hereby constituted.

Powers of Legislative Council.

18. The Legislative Council shall have full power and authority, without prejudice to the powers inherent in, or reserved by this Order to, His Majesty, and subject always to any conditions and limitations prescribed by any Instructions under the Sign Manual and Signet, to establish such Ordinances as may be necessary for the peace, order and good government of Palestine, provided that no Ordinance shall be passed which shall restrict complete freedom of conscience and the free exercise of all forms of worship, save in so far as is

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No Ordinance shall be passed which shall be in any way repugnant to or inconsistent with the provisions of the Mandate.

Constitution of Legislative Council.

19. The Legislative Council shall consist of 22 members in addition to the High Commissioner, of whom 10 shall be official members and 12 shall be unofficial members.

Official Members.

20. The official members of the Council shall be:--

The persons for the time being lawfully exercising the functions of the respective offices of:--

(*a*) Chief Secretary.
(*b*) Attorney-General.
(*c*) Treasurer.
(*d*) Inspector-General of Police.
(*e*) Director of Health.
(*f*) Director of Public Works.
(*g*) Director of Education.
(*h*) Director of Agriculture.
(*i*) Director of Customs.
(*j*) Director of Commerce and Industry.

provided that if the High Commissioner is satisfied that any of the above persons is unable to attend a meeting of the Council he may summon in his place such other person holding public office in the Government of Palestine as he thinks fit, and such person shall for the purposes of that meeting be deemed to be an official member of the Council.

Unofficial Members.

21. The unofficial members of the Council shall be:--

Twelve persons to be elected in accordance with such Order in Council, Ordinance or other legislative enactment as may from time to time provide for elections to the Council.

Prorogation and Dissolution of the Council.

22. The High Commissioner may at any time by Proclamation prorogue or dissolve the Council. The High Commissioner shall dissolve the Council at the expiration of three years from the date of the first meeting thereof.

General Elections to be held.

23. The first general election of members of the Legislative Council shall be held at such time not more than six months after the publication of this Order in the *Palestine Gazette*, and a general election shall be held at such time within three months after the dissolution of the Council as the High Commissioner shall by proclamation appoint.

No Ordinance to take effect until assented to.

24. No Ordinance shall take effect until either the High to Commissioner shall have assented thereto and shall have signed the the same in token of such assent, or until the assent of His Majesty thereto has been given by Order in Council or through a Secretary of State.

Assent to Ordinances.

25. Subject to the provisions of the following Article, the High Commissioner may, according to his discretion and subject to any Instructions under the Sign Manual and Signet, declare

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Legislative Council, and shall in any case so reserve any Ordinance which concerns matters dealt with specifically by the provisions of the Mandate.

An Ordinance so reserved shall take effect so soon as His Majesty has given his assent thereto either by Order in Council or through a Secretary of State, and the High Commissioner shall have signified such assent by notice in the Gazette.

Disallowance of Ordinances.

27. His Majesty reserves to himself the right to disallow an Ordinance to which the High Commissioner has assented within one year of the date of the High Commissioner's assent thereto and to signify such disallowance through a Secretary of State. Every such disallowance shall take effect from the time when it shall be promulgated by the High Commissioner by notice in the Gazette.

Financial Measures.

28. No vote, resolution, or Ordinance for the appropriation of any part of the public revenue, or for the imposition of any tax or impost shall be proposed except by the High Commissioner, or by his direction.

President.

29. The High Commissioner, or in his absence the Chief Secretary, or, in the absence of both the High Commissioner and Chief Secretary, some Member elected by the Council shall preside at the meetings thereof.

Quorum.

30. The Council shall not be disqualified from the transaction of business on account of any vacancies among the Members thereof, but it shall not be competent to proceed to the despatch of business unless ten Members be present.

Oath to be taken by Members of Legislature

31. Every Member of the Legislative Council shall, before being permitted to sit or vote therein, take and subscribe the following oath before the President:--

"I, A.B., do swear that I will be faithful and loyal to the Government of Palestine. So help me God."

Provided that any person authorised to make a solemn affirmation or declaration instead of taking an Oath may make such affirmation or declaration in lieu of such Oath.

Questions to be decided by majority of votes.

32. All questions in the Legislative Council shall be determined by a majority of the votes of Members present, including the President or presiding Member, who shall in addition have and exercise a casting vote in case of an equality of votes.

Standing Rules and Orders.

33. The Legislative Council in its first Session, and from time to time afterwards as there shall be occasion, shall adopt Standing Rules and Orders, for the regulation and orderly conduct of its proceedings and the despatch of business, and for the passing, intituling and numbering of Ordinances and for the presentation of the same to the High Commissioner for his assent.

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become binding and of force.

Privileges of Members.

34. It shall be lawful for the Council by Ordinance to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Council and the members thereof.

PART IV.

APPLICATION OF CERTAIN BRITISH STATUTES.

35. The enactments in the First Schedule to the Foreign Jurisdiction Act, 1890, shall apply to Palestine, but subject to the provisions of this Order and to the exceptions, adaptations and modifications following, that is to say:--

Foreign Jurisdiction Act, 1890

(i) The High Commissioner is hereby substituted for the Governor of a Colony or British Possession and the District Court is hereby substituted for a Superior Court or Supreme Court, and for a Magistrate or Justice of the Peace of a Colony or British Possession.

(ii) For the portions of the Merchant Shipping Acts, 1854 and 1867, referred to in the said Schedule, shall be substituted Part XIII of the Merchant Shipping Act, 1894.

(iii) In Section 51 of the Conveyancing (Scotland) Act, 1874, and any enactment for the time being in force amending the same the District Court is substituted for a Court of Probate in a Colony.

(iv) With respect to the Fugitive Offenders Act, 1881:--

(a) So much of the 4th, and 5th, sections of the said Act as relates to sending a report of the issue of a warrant, together with the information, or a copy thereof, or to the sending of a certificate of committal and report of a case, or to the information to be given by a Magistrate to a fugitive, shall be excepted, and in lieu of such information the person acting as the Magistrate shall inform the fugitive that in the British Possession or Protectorate to which he may be conveyed he has the right to apply for a writ of *habeas corpus* or other like process.

(b) So much of the 6th section of the said Act as requires the expiration of fifteen days before issue of warrant shall be excepted.

(c) The High Commissioner shall not be bound to return a fugitive offender to a British Possession unless satisfied that the proceedings to obtain his return are taken with the consent of the Governor of that Possession.

(d) For the purposes of Part II of the said Act, Palestine, Cyprus, Egypt, the Ottoman Dominions, Persia and Iraq shall be treated as one group of British Possessions.

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Acts done under Merchant Shipping Act, 1894.

36. Where under the Merchant Shipping Act, 1894, or any amending Act, anything is authorised to be done by, to, or before a British Consular officer, such thing may be done, in any place in Palestine by, to, or before such officer of the Government as the High Commissioner may appoint.

Application of Colonial Prisoners' Removal Act, 1884.

37. The Colonial Prisoners' Removal Act, 1884, shall apply to and take effect within Palestine as if it were part of His Majesty's dominions, subject as follows:--

The High Commissioner is hereby substituted for the Governor of a British Possession.

PART V.
JUDICIARY.

Civil Courts.

38. The Civil Courts hereinafter described shall subject to the provisions of this part of the Order exercise jurisdiction in all matters and over all persons in Palestine.

Class of Courts. Magistrates' Courts.

39. Magistrates' Courts shall be established in each District and Sub-District as may be prescribed from time to time by Order under the hand of the High Commissioner. These Courts shall have the jurisdiction assigned to them by the Ottoman Magistrates Law of 1913, as amended by any subsequent law or Ordinance or Rules for the time being in force.

District Courts.

40. District Courts shall be established in such districts as may be prescribed from time to time by order under the hand of the High Commissioner, and every such court shall exercise jurisdiction:--

(1) As a Court of First Instance:--

(*a*) In all civil matters not within the jurisdiction of the Magistrates' Courts in and for that District.

(*b*) In all criminal matters which are not within the jurisdiction of the Court of Criminal Assize.

(2) As an Appellate Court from the said Magistrates' Courts subject to the provisions of any Ordinances or Rules.

Court of Criminal Assize.

41. There shall be a Court of Criminal Assize which shall have exclusive jurisdiction with regard to offences punishable with death and such jurisdiction with regard to other offences as may be prescribed by Ordinance.

Land Courts.

42. The High Commissioner may by order establish Land Courts as may be required from time to time for the hearing of such questions concerning the title to immovable property as may be prescribed.

Supreme Court.

43. There shall be established a Court to be called the Supreme Court of which the constitution shall be prescribed by Ordinance. The Supreme Court sitting as a Court of Appeal shall have jurisdiction subject to the provisions of any Ordinance to hear appeals from all judgments given by a District Court in first instance or by the Court of Criminal Azzize or by a Land Court.

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not causes or trials, but petitions or applications not within the jurisdiction of any other Court and necessary to be decided for the administration of justice.

Appeal to Privy Council.

44. In civil matters when the amount or value in dispute exceeds ï¿½E.500 an appeal shall lie from the Supreme Court to His Majesty in Council. Every appeal shall be brought within such time and in such manner as may be prescribed by any rules of procedure made by His Majesty in Council.

Tribal Courts.

45. The High Commissioner may by order establish such separate Courts for the district of Beersheba and for such other tribal areas as he may think fit. Such courts may apply tribal custom, so far as it is not repugnant to natural justice or morality.

Law to be applied.

46. The jurisdiction of the Civil Courts shall be exercised in conformity with the Ottoman Law in force in Palestine on November 1st, 1914, and such later Ottoman Laws as have been or may be declared to be in force by Public Notice, and such Orders in Council, Ordinances and regulations as are in force in Palestine at the date of the commencement of this Order, or may hereafter be applied or enacted; and subject thereto and so far as the same shall not extend or apply, shall be exercised in conformity with the substance of the common law, and the doctrines of equity in force in England, and with the powers vested in and according to the procedure and practice observed by or before Courts of Justice and Justices of the Peace in England, according to their respective jurisdictions and authorities at that date, save in so far as the said powers, procedure and practice may have been or may hereafter be modified, amended or replaced by any other provisions. Provided always that the said common law and doctrines of equity shall be in force in Palestine so far only as the circumstances of Palestine and its inhabitants and the limits of His Majesty's jurisdiction permit and subject to such qualification as local circumstances render necessary.

Jurisdiction in personal status.

47. The Civil Courts shall further have jurisdiction, subject to the provisions contained in this Part of this Order, in matters of personal status as defined in Article 51 of persons in Palestine. Such jurisdiction shall be exercised in conformity with any law, Ordinances or regulations that may here after be applied or enacted and subject thereto according to the personal law applicable.

Where in any civil or criminal cause brought before the Civil Court a question of personal status incidentally arises, the determination of which is necessary for the purposes of the cause, the Civil Court may determine the question, and may to that end take the opinion, by such means as may seem most convenient, of a competent jurist having knowledge of the personal law applicable.

Confirmation of

48. When any person has been sentenced to death, the Chief

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Commissioner, make rules for regulating the practice and procedure of the Supreme Court and of all other Civil Courts which are or may be established in Palestine.

Actions against Government.

50. No action shall be brought against the Government of Palestine or any Department thereof unless with the written consent of the High Commissioner previously obtained.

The Civil Courts shall not exercise any jurisdiction in any proceeding whatsoever over the High Commissioner or his official or other residence or his official or other property.

Religious Courts. Jurisdiction of Religious Courts. Definition of Personal Status.

51. Subject to the provisions of Articles 64 to 67 inclusive Jurisdiction In Matters Of Personal Status Shall Be Exercised In Accordance With The Provisions Of This Part By The Courts Of The Religious Communities Established And Exercising Jurisdiction At The Date Of This Order. For The Purpose Of These Provisions Matters Of Personal Status Mean Suits Regarding Marriage Or Divorce, Alimony, Maintenance, Guardianship, Legitimation And Adoption Of Minors, Inhibition From Dealing With Property Of Persons Who Are Legally Incompetent, Successions, Wills And Legacies, And The Administration Of The Property Of Absent Persons.

Moslem Religious Courts.

52. Moslem Religious Courts shall have exclusive jurisdiction in matters of personal status of Moslems in accordance with the provisions of the Law of Procedure of the Moslem Religious Courts of the 25th October, 1333, A.H., as amended by any Ordinance or Rules. They shall also have, subject to the provisions of any Ordinance or of the Order of the 20th December, 1921, establishing a Supreme Council for Moslem Religious Affairs, or of any Orders amending the same, exclusive jurisdiction in cases of the constitution or internal administration of a Wakf constituted for the benefit of Moslems before a Moslem Religious Court.

There shall be an appeal from the Court of the Qadi to the Moslem Religious Court of Appeal whose decision shall be final.

Jewish Religious Courts.

53. The Rabbinical Courts of the Jewish Community shall have:-

-

(i) Exclusive jurisdiction in matters of marriage and divorce, alimony and confirmation of wills of members of their community other than foreigners as defined in Article 59.

(ii) Jurisdiction in any other matter of personal status of such persons, where all the parties to the action consent to their jurisdiction.

(iii) Exclusive jurisdiction over any case as to the constitution or internal administration of a Wakf or religious

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Courts.

(i) Exclusive jurisdiction in matters of marriage and divorce, alimony, and confirmation of wills of members of their community other than foreigners as defined in Article 59.

(ii) Jurisdiction in any other matters of personal status of such persons, where all the parties to the action consent to their jurisdiction.

(iii) Exclusive jurisdiction over any case concerning the constitution or internal administration of a Wakf or religious endowment constituted before the Religious Court according to the religious law of the community, if such exists.

Conflicts Law and Jurisdiction.

55. Where any action of personal status involves persons of different of religious communities, application may be made by any party to the Chief Justice, who shall, with the assistance, if he thinks fit, of assessors from the communities concerned, decide which Court shall have jurisdiction. Whenever a question arises as to whether or not a case is one of personal status within the exclusive jurisdiction of a Religious Court, the matter shall be referred to a Special Tribunal of which the constitution shall be prescribed by Ordinance.

Execution of judgments of Religious Courts.

56. The judgments of the Religious Courts shall be executed by the process and offices of the Civil Courts.

Change in composition of Religious Courts.

57. Subject to the provisions of any Ordinance or Order establishing a Supreme Council for Moslem Religious Affairs, the constitution and jurisdiction of Religious Courts established at the date of this Order may be varied by Ordinance or Order of the High Commissioner.

Jurisdiction over foreign subjects.

58. The Civil Courts shall exercise jurisdiction over foreigners, subject to the following provisions:--

Definition of foreigner.

59. For the purpose of this part of the Order the expression "foreigner" means any person who is a national or subject of a European or American State or of Japan, but shall not include:

(i) Native inhabitants of a territory protected by or administered under a mandate granted to a European State.

(ii) Ottoman subjects.

(iii) Persons who have lost Ottoman nationality and have not acquired any other nationality.

The term "subject" or "national" shall include corporations constituted under the law of a foreign State, and religious or

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to claim trial by British Magistrate and other privileges.

exceeding i¿½E.5 may claim to be tried by a British Magistrate. Any foreigner sentenced to imprisonment by a Palestinian Magistrate for an offence for which he cannot claim to be tried by a British Magistrate, may appeal to the District Court.

61. A foreigner accused of an offence which is not triable by a magistrate may claim that his interrogation during the preliminary investigation shall be undertaken, and the question of his release on bail and commital for trial shall be decided by a British Magistrate.

A warrant of search of the house of a foreigner shall be issued only by a British Magistrate.

62. A foreigner committed by a Magistrate for trial before the District Court or the Court of Criminal Assize may claim that the Court shall contain a majority of British Judges.

63. In a civil case tried whether in first instance or on appeal by the District Court, a foreigner may claim that at least one member of the Court shall be a British Judge. In civil and criminal cases heard by the Supreme Court in its appellate capacity a foreigner may claim that the Court shall contain a majority of British Judges.

Matters of personal status.

64.--(i) Matters of personal status affecting foreigners other than Moslems shall be decided by the District Courts which shall apply the personal law of the parties concerned in accordance with such regulations as may be made by the High Commissioner, provided always that the Courts shall have no jurisdiction to pronounce a decree of dissolution of marriage until an Ordinance is passed conferring such jurisdiction.

(ii) The personal law shall be the law of the nationality of the foreigner concerned unless that law imports the law of his domicile, in which case the latter shall be applied.

(iii) The District Court, in trying matters of personal status affecting foreigners shall be constituted by the British President sitting alone. In trying matters of personal status affecting foreigners other than British subjects, the President may invite the Consul or a representative of the Consulate of the foreigner concerned to sit as an assessor for the purpose of advising upon the personal law concerned. In case of an appeal from a judgment in such a case the Consul or representative of the Consulate of the foreigner concerned shall be entitled to sit as an assessor in the Court of Appeal.

Right to refer case to Religious Courts.

65. Nothing in the preceding article shall be construed to prevent foreigners from consenting to such matters being tried by the Courts of the Religious Communities having jurisdiction in like matters affecting Palestinian citizens.

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decree of dissolution of marriage to a foreign subject.

Claim to be foreigner.

66. Persons claiming to be treated as foreigners who do not in a criminal case make their claim on first appearance and in a civil case either on first appearance or in the first written pleading delivered to the Court, whichever be the earlier, shall forfeit their right so to claim. Nevertheless the claim may be made on appeal notwithstanding that it has not been made on first instance.

The burden of proof that they are entitled to be treated as foreigners shall be upon persons claiming the right aforesaid.

67. Notwithstanding anything in this Part of this Order a Consul in Palestine may execute such non-contentious measures in relation to the personal status of nationals of his State as the High Commissioner. with the approval of the Secretary of State, may from time to time prescribe by regulation.

PART VI.

REMOVAL AND DEPORTATION.

Removal of prisoners.

68. Where an offender convicted before any Court is sentenced to imprisonment, and the High Commissioner, proceeding under Section 7 of the Foreign Jurisdiction Act, 1890, authority in that behalf being hereby given to him, considers it expedient that the sentence should be carried into effect outside of Palestine, the place shall be a place in some part of His Majesty's Dominions out of the United Kingdom. The Government whereof consent that offenders may be sent thither under this Article.

Deportation of political offenders.

69.--(i) Where it is shown by evidence on oath to the satisfaction of the High Commissioner, that any person is conducting himself so as to be dangerous to peace and good order in Palestine, or is endeavouring to excite enmity between the people of Palestine and the Mandatory, or is intriguing against the authority of the Mandatory in Palestine, the High Commissioner may, if he thinks fit, by order under his hand and official seal order that person to be deported from Palestine to such place as the High Commissioner may direct.

(ii) The place shall be a place in some part (if any) of His Majesty's Dominions to which the person belongs, or the Government of (which consents to the reception of persons deported under this Order, or to some place under the protection of His Majesty or in the country out of His Majesty's Dominions to which that person belongs.

Appeal not to lie against deportation order.

70. An appeal shall not lie against an order of deportation made under this Order.

Penalty upon

71.--(i) If any person deported under this Order returns to

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person. months with or without a fine not exceeding i¿½E.50; and he shall also be liable to be again deported forthwith.

(ii) The High Commissioner, by order under his hand and official seal, may vary or rescind any order of deportation under this Order.

Proceedings upon deportation.

72.--(i) Where, under this Order, a person is to be removed or deported from Palestine he shall by warrant of the High Commissioner under his hand and seal, be detained, if necessary, in custody or in prison, until a fit opportunity for his removal or deportation occurs, and then, if he is to be deported beyond seas, be put on board one of His Majesty's vessels of war, or, if none be available, then on board some other British or other fit vessel.

(ii) The warrant of the High Commissioner shall be sufficient authority to the person to whom it is directed or delivered for execution, and to the commander or master of the vessel to receive and detain the person therein named, in the manner therein prescribed, and to remove and carry him to the place therein named, according to the warrant.

PART VII.

VALIDATION OF ORDINANCES AND INDEMNIFICATION.

Validation of Ordinances, &c., issued by Military Administration.

73. The Proclamations, Ordinances, Orders, Rules of Court and other legislative acts made, issued or done by the Commander-in-Chief of the Egyptian Expeditionary Force, or by the Chief Administrator of Occupied Enemy Territory or by Military Governors in Palestine or any other officer of the Administration between October 1st, 1917, and June 30th, 1920, other than those set forth in the Schedule attached to this Order, shall be deemed to be and always to have been valid and of full effect both during the Military Occupation and after the termination thereof until repealed or superseded by the legislature established under this Order, notwithstanding that any such legislative act may have repealed or been inconsistent with the Law previously in force in Palestine; provided that in the future application of all such Proclamations, Ordinances, Orders, Rules of Court and legislative acts the Government of Palestine shall be read for Occupied Enemy Territory Administration, High Commissioner for Chief Administrator, Governor of a District for Military Governor, and a Civil Court of competent jurisdiction for a Military Court or Military Magistrate.

The Proclamations, Ordinances, Orders and Public Notices of the Military Administration which are set forth in the Schedule hereto are hereby cancelled and repealed, provided that any acts done thereunder before the passing of this Order shall be deemed to be and always to have been valid.

Validation of Ordinances

74. The Proclamations, Ordinances, Orders, Rules of Court and other legislative acts which have been issued or done by the

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be deemed to be valid.

Indemnity for acts done under Martial Law.

75. All actions, prosecutions and legal proceedings whatsoever, whether civil or criminal, which might be brought or instituted in any of the Courts of Palestine against the High Commissioner, or the officer for the time being commanding the forces of His Majesty, or any public officer of Palestine, or against any person acting under them, or under their instructions, or under the instructions of any of them respectively in any command or capacity military or civil, for, or on account of, or in respect of, any acts, matters and things whatsoever, in good faith advised, commanded, ordered, directed or done as necessary for the suppression of hostilities, or the establishment and maintenance of good order and government in Palestine, or for the public safety and welfare of Palestine, or for the execution of any regulations issued under Martial Law between the date of the British occupation and the date of the commencement of this Order, shall be discharged and become and be null and void.

Every such person as aforesaid by whom any such act, matter or thing shall have been advised, commanded, ordered, directed, or done for any of the purposes aforesaid shall be freed, acquitted, discharged, released and indemnified against all and every person whomsoever in respect thereof.

Presumption of good faith.

76. Every such act, matter or thing referred to in the preceding Article shall be presumed to have been advised, commanded, ordered, directed or done as the case may be, in good faith until the contrary shall be proved by the party complaining.

Confirmation of sentences.

77. Any sentence passed, judgment given or order made by any Court Martial or Military Court constituted and convened by proper authority and under Martial Law, or pronounced by officers authorised to dispose of offences summarily under Martial Law, or passed, given or made by any Court established by the authority administering any part of Palestine in the occupation of His Majesty's Forces for the administration of justice within such territory, whether passed, given or made during such occupation or after such occupation determined prior to the commencement of this Order, shall be deemed to be and always to have been valid, and to be and always to have been within the jurisdiction of the Court; and the sentences of all persons tried by any such Court shall be deemed to be sentences passed by a duly and legally constituted Court of Palestine.

Confirmation of orders of deportation.

78. All persons in Palestine who have been deported without the limits thereof under and by virtue of any of the foregoing sentences referred to in the last Article, or by virtue of any other order shall be deemed to have been and to be legally deported without the limits of Palestine. Any person who, having been deported as aforesaid, returns to Palestine

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liable to be again deported.

Arrests, &c., under Martial Law validated.

79. All persons who have been in good faith, and under proper authority during the existence of Martial Law arrested or detained, and all persons who have been similarly committed to gaol, and are there detained to await their trial, shall be deemed to have been lawfully arrested, committed to, and detained in gaol.

Interpretation of term "proper authority."

80. In all cases where any doubt arises whether any act, matter or thing alleged to have been commanded, ordered, directed or done under proper authority was done under such authority, it shall be lawful for the Chief Secretary for the time being to declare such act, matter or thing to have been commanded, ordered, directed, or done under such authority, and such declaration, by any writing under the hand of the Chief Secretary shall in all cases be conclusive evidence as to such authority.

PART VIII.
GENERAL.

Officers and others to obey High Commissioner.

81. All His Majesty's officers, Civil and Military, and all other inhabitants of Palestine are hereby required and commanded to be obedient, aiding, and assisting unto the High Commissioner and to such person or persons as may from time to time, under the provisions of this Order, administer the Government of Palestine.

Official languages.

82. All Ordinances, official notices and official forms of the Government and all official notices of local authorities and municipalities in areas to be prescribed by order of the High Commissioner, shall be published in English, Arabic and Hebrew. The three languages may be used in debates and discussions in the Legislative Council, and, subject to any regulations to be made from time to time, in the Government offices and the Law Courts.

Freedom of conscience.

83. All persons in Palestine shall enjoy full liberty of conscience, and the free exercise of their forms of worship subject only to the maintenance of public order and morals. Each religious community recognised by the Government shall enjoy autonomy for the internal affairs of the community subject to the provisions of any Ordinance or Order issued by the High Commissioner.

Immigration.

84.--(i) The High Commissioner shall confer upon all matters relating to the regulation of immigration with a Committee consisting of not less than one-half of the unofficial members of the Legislative Council, and provision shall be made by Order in Council for investing the said Committee with all such powers and authorities and otherwise for the constitution and conduct of the business of the said Committee, as may be necessary to carry this Article into effect.

(ii) In the event of any difference of opinion between the High Commissioner and the said Committee upon any such matter

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population in Palestine complains that the terms of the Mandate are not being fulfilled by the Government of Palestine, it shall be entitled to present a Memorandum through a member of the Legislative Council to the High Commissioner. Any Memorandum so submitted shall be dealt with in such manner as may be prescribed by His Majesty in conformity with the procedure recommended by the Council of the League of Nations.

Power to exclude Territories to East of Jordan from application of any part of Order.

86. This Order In Council Shall Not Apply To Such Parts Of The Territory Comprised In Palestine To The East Of The Jordan And The Dead Sea As Shall Be Defined By Order Of The High Commissioner. Subject To To The Provisions Of Article 25 Of The Mandate, The High Commissioner May May Make Such Provision For The Administration Of Any Territories So Defined As Aforesaid As With The Approval Of The Secretary Of State May be prescribed.

Power to vary this Order.

87. The High Commissioner may by Proclamation in the Gazette at any time within one year from the date of the commencement of this Order, and provided he has previously obtained the approval of the Secretary of State, vary, annul or add to any of the provisions of this Order in order to carry out the purposes of the same, and may provide for any other matters necessary in order to carry into effect the provisions thereof.

Power reserved to His Majesty to revoke, alter or amend present Order.

88. His Majesty, His heirs and successors in Council, may at any time revoke, alter or amend this Order.

Power of legislation, &c., reserved to the Crown.

89. There shall be reserved to His Majesty, His heirs and successors, the right, with the advice of His or Their Privy Council, from time to time to make all such laws or ordinances as may appear to Him or Them necessary for the peace, order and good government of Palestine in accordance with the Mandate conferred on him.

Dates of operation of Order.

90. This Order shall commence and have effect as follows:--

(i) As to the making of any warrant or appointment, and the issue of instructions, and as to any other provisions necessary for bringing this Order into effect, immediately from and after the date of this Order.

(ii) As to all other matters and provisions comprised and contained in this Order, immediately after this Order has been published and proclaimed within Palestine, and the date of such publication shall be deemed to be the date of the commencement of this Order.

ALMERIC FITZROY.

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Enactment Repealed.	*Date of Enactment.*	*Extent of Repeal.*
(1) Proclamation of the Commander-in-Chief declaring Martial Law	December 9th, 1917	The whole
(2) Proclamation of the Commander-in-Chief concerning the relation of citizens with the Military Authorities	March 30th, 1918	The whole
(3) Public Notice of the Military Governor, Jerusalem, concerning Banking Transactions	April 4th, 1918	The whole
(4) Public Notice of the Chief Administrator concerning possession of Government property	May 11th, 1918	The whole
(5) Public Notice of the Chief Administrator concerning possession of cartridge cases	July 20th, 1918	The whole
(6) Proclamation of the Commander- in-Chief concerning dealing in Securities	November 17th, 1918	The whole
(7) Notice by the Acting Chief Administrator concerning dealing in Securities	February 26th, 1919	The whole

AT THE COURT AT BUCKINGHAM PALACE,
The 10th day of August, 1922.
PRESENT,
THE KING'S MOST EXCELLENT MAJESTY.
LORD CHAMBERLAIN.
LORD STAMFORDHAM.
MR. SECRETARY SHORTT.
MR. MCCURDY.

WHEREAS "The Palestine Order in Council, 1922," provides for the constitution of a Legislative Council in Palestine, and for the election of part of the members of the Council, and it is necessary to prescribe the system of election of such members;

And whereas by treaty, capitulation, grant, usage, sufferance and other lawful means, His Majesty has power and jurisdiction within Palestine:

NOW THEREFORE His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased by and with the advice of his Privy Council to order, and it is hereby ordered as follows:--

Title.

1. This Order may be cited as the Palestine Legislative Council Election Order, 1922.

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"Register of voters" or "register" means the register prepared in accordance with this Order of the persons entitled to vote for the election of a member of the Legislative Council.

"Member" means a member of the Legislative Council.

"District" means one of the administrative divisions into which Palestine may be divided by the High Commissioner.

For the purposes of this Order and pending the introduction of an Order in Council regulating Palestinian citizenship, the following persons shall be deemed to be Palestinian citizens:--

(a) Turkish subjects habitually resident in the territory of Palestine at the date of commencement of this Order.

(b) All persons of other than Turkish nationality habitually resident in the territory of Palestine at the said date, who shall within two calendar months of the said date make application for Palestinian citizenship in such form and before such officer as may be prescribed by the High Commissioner.

System of Election.

3. The election of members shall be conducted by primary and secondary elections. Primary election shall consist of the election by the voters as hereinafter defined of secondary electors and secondary election shall consist of the election of members by colleges of secondary electors.

Qualification and Disqualification of Voter.

4. Every male Palestinian citizen over 25 years of age shall be entitled to vote at the primary elections unless he be a person who:--

(a) Has lost his civil rights.

(b) Claims to be under foreign protection.

(c) Has been declared to be a bankrupt, and has not been discharged.

(d) Has been placed under interdiction by a competent Court, and has not been released.

(e) Has been sentenced to imprisonment for more than a year, and has not received a free pardon for the crime for which he has been sentenced.

Definition of Voting Areas.

5. For the purpose of primary elections every District shall be divided into voting areas, and the voters within such areas shall be entitled to elect a number of secondary electors to be determined in the manner following. The Governor of the District in consultation with the President of any Municipal Council or Local Council in the District and the Mukhtars of the villages shall define such voting areas, having regard, as far as possible, to the religious

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secondary elector; provided that if any village or quarter has between 150 and 200 primary electors it shall be entitled to vote for one secondary elector; if it has between 350 and 400 primary electors it shall be entitled to vote for two secondary electors, and the same principle will be maintained where the number of primary electors exceeds 400.

6. The limits of each voting area and the number of secondary electors for that area shall be published in the District.

Registration of Voters.

7. The High Commissioner shall appoint for each District one or more registering officers who shall prepare a register of voters for the primary elections; and a revising officer who shall have the functions hereinafter prescribed. The registering officer may summon the President of any Municipal Council or Local Council in the District, the Mukhtars of the villages and quarters of towns, and the Heads of Religious Communities to assist in the preparation of the register.

The register shall be arranged according to the villages or quarters in which the voters reside, and the names of the voters in each village or quarter shall be numbered consecutively and arranged alphabetically. The list shall show :--

(a) The name of each voter in full;
(b) The trade or occupation of the voter;
(c) His place of abode.

The High Commissioner may by proclamation issue regulations regarding the preparation of the register in any other respect, and for its publication in the Districts, and may from time to time make provision for a revision of the register.

No person, for the purposes of the primary or secondary elections, shall be entitled to exercise more than one vote, and no elector at the primary elections shall exercise a vote in respect of more than one voting area.

Publication of Register.

8.--(1) As soon as the register for each District or Subdistrict is completed the registering officer shall forward it to the revising officer, who shall not later than 14 days from the receipt of the register publish it

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such village and quarter, together with a notice specifying the time and place appointed for the revision and final settlement of the register for the District, and calling on all persons who are entitled to vote and whose names are not included in the register, and on all persons who object to the insertion of the name of any voter to attend and make such claim or objection at the time and place appointed.

(2) Every such extract from the register and every such notice shall remain posted for not less than 14 days before the time appointed for the revision of the register.

Revision of Register.

9.--(1) The revising officer shall revise the register of voters,and there shall be an appeal from his decision to the District Court.

(2) All persons making claims or objections as well as all persons whose names are objected to may appear in person or by an agent or advocate before the revising officer and may give and produce evidence with respect to any such claim or objection.

(3) The registering officer for any village or quarter shall be present at the revision, and may likewise give and produce evidence.

(4) The revised list of voters for every District shall be kept at the office of the Governor of the District, and shall be open to inspection at all reasonable time.

Qualification of Secondary Elector.

10. Any person may be elected as a secondary elector provided he is on the register of primary electors for the District.

Power to issue Regulations for Elections.

11. The High Commissioner may by Proclamation provide for the appointment and duties of returning officers at the primary elections,and for determining the time and place for holding elections, and the manner in which elections shall be conducted and the poll taken when required, and the manner in which the votes shall be given and the result ascertained, and for all other matters necessary to the orderly and impartial conduct of elections.

Electoral Colleges.

12. The secondary electors shall be formed into

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Secondary electors who do not belong to the Moslem, Christians or Jewish community shall opt for any electoral college in their area. The number of colleges to be allotted to each religious community shall be determined by the High Commissioner having regard to the numbers of secondary electors belonging to the several communities, provided that there shall not be less than two Christian and two Jewish colleges. Each electoral college shall elect one member. The High Commissioner shall by Proclamation assign the secondary electors to the several colleges having regard to the areas which they represent.

Secondary Elections.

13. The High Commissioner shall, by notice in the Gazette, appoint a day on which the electoral colleges shall meet for the purpose of electing members of the Legislative Council.

The election shall be conducted in such manner as may be prescribed by Proclamation of the High Commissioner.

Nomination of Members.

14. No person shall be eligible as a member who has not been nominated by two duly qualified secondary electors belonging to the religious community, for which the candidate is nominated, as proposer and seconder, and by eight other duly qualified secondary electors of that community as consenting to the nomination. The nomination shall be in writing and shall be delivered at the time appointed for the election to the returning officer by the candidate himself or by his proposer or seconder.

Qualification and Disqualifition of Members.

15. Every male Palestinian citizen who has completed his 30th year shall be eligible for election as a member unless he

(a) claims to be under foreign protection;
(b) has been declared a bankrupt, and has not been discharged;
(c) has been placed under interdiction, and has not been released;
(d) has lost his civil rights;
(e) has been sentenced to imprisonment for more than one year, and has not received a free pardon for the crime for which he was sentenced.
(f) holds any office of profit under the Palestine Government.
(g) has any direct or indirect pecuniary interest in any agreement with the Public

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16. Any person who is guilty of any act in connection with the primary or secondary election of a member of the Legislative Council, which is a corrupt and illegal practice as defined by the law of England relative to Corrupt and Illegal Practices at Parliamentary Elections shall be liable on conviction by the competent Court to the penalties and disabilities provided by that Law, so far as the circumstances of Palestine and of its inhabitants permit.

Resignation of Seat.

17.--(1) Any Elected Member of the Legislative Council may resign his seat by writing under his hand addressed to the High Commissioner, and upon the receipt of such resignation the seat of such Member shall become vacant:

Provided that no Member shall, without the permission of the Legislative Council, resign his seat while any proceedings are pending in respect of his election if it is alleged in those proceedings that any corrupt or illegal practices took place at that election, or while any proceedings are contemplated or pending in respect of his conduct in, or as a Member of the Council.

(2) The electoral college which elected the Member resigning shall be convened by notice in the Gazette, and shall elect a Member in his place.

Vacation of Seat.

18. If any Member of the Legislative Council--

(a) Shall be absent, except on the ground of illness, from the sittings of the Legislative Council, for a period of three calendar months during any session without the leave of the Council; or

(b) Shall take any oath or make any declaration or acknowledgment of allegiance, obedience or adherence to any foreign State or Power; or

(c) Shall do, concur in or adopt any act whereby he may become the subject or citizen of any such State or Power; or,

(d) Shall be or become subject to any of the disqualifications mentioned in Article 15, the High Commissioner shall declare his seat to be vacant, and shall direct an election to be held to fill the vacancy in the manner prescribed in

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properly qualified person to act as Member during his absence.

Power to amend by Proclamation.

19. The High Commissioner may, by Proclamation in the Gazette, at any time within one year from the date of the commencement of this Order,Order, and provided that he has obtained the approval of the Secretary of State, vary, annul or add to any of the provisions of this Order in order to carry out the purposes of the same, and may provide for any other matter necessary in order to carry into effect the provisions thereof.

Tribal Areas.

20. In the Sub-District of Beersheba, and in any other area which may by Proclamation be declared to be a tribal area, the High Commissioner may make such other arrangements for the conduct of primary elections as he may think fit. Provided that the number of secondary electors for any such areas shall be the same as if the elections had been carried out under the provisions of this Order.

Commencement of Order.

21. This Order shall come into operation on a day to be fixed by the High Commissioner by Proclamation in the Gazette, and shall regulate the first election of members of the Legislative Council, and thereafter it shall be lawful for the said Council to pass any Ordinance or Ordinances amending or substituted for any of the provisions of this Order, but subject to the provisions of any such Ordinance or Ordinances this Order shall continue in force.

ALMERIC FITZROY.

PALESTINE.

Instructions passed under the Royal Sign Manual and Signet to the High Commissioner and Commander-in-Chief of Palestine.

Dated 14th August, 1922.

GEORGE R.I.

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Preamble.

WHEREAS by an Order in Council, bearing date the tenth day of August, 1922, entitled "The Palestine Order in Council, 1922," provision was made for the Government of certain territories, therein and hereinafter referred to as "Palestine", and for the appointment of a fit person to administer the Government of Palestine under the designation of High Commissioner and Commander-in-Chief (therein and hereinafter called the High Commissioner) or such other designation as We think fit:

And whereas the High Commissioner was thereby authorised, empowered and commanded to do and execute all things that belong to his said office, according to the tenour of any Orders in Council relating to Palestine, and of such Commission as might be issued to him under Our Sign Manual and Signet, and according to such Instructions as might from time to time be given to him under Our Sign Manual and Signet, or by Order in Council or by Us through one of Our Principal Secretaries of State, and to such Laws and Ordinances as were then or should thereafter be in force in Palestine:

Recites Commission.

And whereas by a Commission passed under the Royal Sign Manual and Signet, bearing even date herewith, the Officer therein mentioned has been appointed to administer the Government of Palestine under the designation of High Commissioner and Commander-in-Chief:

And whereas We are minded to issue these Our Instructions under Our Sign Manual and Signet for the guidance of Our High Commissioner and Commander-in-Chief, or other Officer administering the Government of Palestine:

Now know ye that We do direct and enjoin and declare Our Will and Pleasure as follows :--

High Commissioner to administer oaths.

I.--The High Commissioner may, whenever he thinks fit, require any person in the public service of Palestine to take the Oath in the form prescribed by Article 31 of the above recited Order in Council, together with such other Oath or Oaths as may from time to time be prescribed by any laws in force in Palestine. The High Commissioner is to administer such Oaths, or to cause them to be administered by some Public Officer of Palestine.

Instructions to be observed by Deputies.

II.--During the temporary absence of the High Commissioner from the seat of Government or from Palestine, these Instructions so far as they apply to any matter or thing to be done, or any power or authority to be exercised by a Deputy acting for the High Commissioner, shall be deemed to be addressed to and shall be observed by such Deputy.

Deputies may

III.--If in any emergency arising in Palestine during

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acting for the High Commissioner may apply to Us, through one of Our Principal Secretaries of State for instructions in the matter; but every such Deputy shall forthwith transmit to the High Commissioner a copy of every despatch or communication which he has so addressed to Us.

Constitution of Executive Council.

IV.--The Executive Council of Palestine shall consist of the persons for the time being lawfully discharging the functions of Chief Secretary, Attorney-General, and Treasurer, who shall be styled *ex officio* Members of the Executive Council, and such other persons holding office in the Public Service of Palestine as the High Commissioner in pursuance of Instructions from Us through one of Our Principal Secretaries of State, may from time to time appoint by an Instrument under the Public Seal of Palestine, who shall be styled Official Members of the Executive Council.

Extraordinary Members.

Whenever upon any special occasion the High Commissioner desires to obtain the advice of any persons within Palestine, relating to affairs therein, he may, by an Instrument under the Public Seal of Palestine, summon for such special occasion any such persons as Extraordinary Members of the Executive Council.

Suspension.

V.--The High Commissioner may, by an Instrument under the Public Seal of Palestine, suspend any person appointed by name from the exercise of his functions as a Member of the Executive Council. Every such suspension shall be forthwith reported by the High Commissioner to Us through one of Our Principal Secretaries of State, and shall remain in force unless and until either it shall be removed by the High Commissioner by an Instrument under the said Public Seal, or it shall be disallowed by Us through one of Our Principal Secretaries of State, and such disallowance shall be published in the Official Gazette of Palestine.

Provisional Appointments.

VI.--Whenever any Member, other than an *ex officio* Member, of the said Executive Council shall by writing under his hand resign his seat in the said Executive Council, or shall die, or be suspended from the exercise of his functions as a Member of the Executive Council or be declared by the High Commissioner by an Instrument under the Public Seal to be incapable of exercising his functions as a Member of the Council, or be absent from Palestine or shall be acting in an office the holder of which is an *ex officio* Member of the Council, the High Commissioner may, by an Instrument under the Public Seal, provisionally appoint some person to be temporarily a Member of the Council in the place of the Member so resigning or dying, or being suspended or declared incapable or

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Us, or if the Member in whose place he was appointed shall be released from suspension, or, as the case may be shall be declared by the High Commissioner capable of again discharging his functions in the Council, or shall return to Palestine, or shall cease to sit in the Council as an *ex officio* Member.

Provided that when any person shall be lawfully discharging the functions of more than one of the offices the holders of which are *ex officio* Members of the said Council, the High Commissioner may, by an Instrument under the Public Seal, appoint any fit person to be provisionally a Member of the Council so long as the functions of the said offices shall continue to be discharged by one person as aforesaid.

Provisional appointments to be immediately reported.

VII.--The High Commissioner shall without delay report to Us, for Our confirmation or disallowance through one of Our Principal Secretaries of State, every provisional appointment of any person as a Member of the Executive Council. Every such person shall hold his place in the Council during Our pleasure, and the High Commissioner may by an Instrument under the Public Seal revoke any such appointment.

Precedence of Members.

VIII.--The Members of the Executive Council shall have seniority and precedence as We may specially assign, and, in default thereof, first the *ex officio* Members in the order in which their offices are abovementioned, then the Official Members according to the priority of their respective appointments, or, if appointed by the same Instrument, according to the order in which they are named therein, and finally Extraordinary Members with like priority.

High Commissioner to communicate Instructions to Executive Council.

IX.--The High Commissioner shall forthwith communicate these Our Instructions to the Executive Council and likewise all such others from time to time, as We may direct, or as he shall find convenient for Our Service to impart to them.

Executive Council not to proceed to business unless summoned by High Commissioner's authority.

X.--The Executive Council shall not proceed to the despatch of business unless duly summoned by authority of the High Commissioner, nor unless two Members at least (exclusive of himself or of the Member presiding) be present and assisting throughout the whole of the meetings at which any such business shall be despatched.

Quorum.

High Commissioner to preside.

XI.--The High Commissioner shall attend and preside at all meetings of the Executive Council unless prevented by illness or other grave cause, and in his absence such Member as the High Commissioner may appoint, or, in the absence of such Member, the senior Member of the Council actually present shall preside.

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	the case may require, before proceeding to the despatch of any other business.
Minutes to be sent home twice a year.	Twice in each year a full and exact copy of all Minutes for the preceding half year shall be transmitted to Us through one of Our Principal Secretaries of State.
High Commissioner to consult Executive Council.	XIII.--In the execution of the powers and authorities granted to the High Commissioner by the above recited Order in Council he shall in all cases consult with
Proviso.	the Executive Council, excepting only in cases which
Urgent cases.	may be of such a nature that, in his judgment, Our service would sustain material prejudice by consulting the Council thereupon, or when the matters to be decided shall be too unimportant to require their advice or too urgent to admit of their advice being given by the time within which it may be necessary for him to act in respect of any such matters. In all such urgent cases he shall at the earliest practicable period, communicate to the Executive Council the measures which he may so have adopted, with the reasons thereof.
High Commissioner alone entitled to submit questions.	XIV.--The High Commissioner alone shall be entitled to submit questions to the Executive Council for their advice or decision; but if the High Commissioner decline to submit any question to the Council when requested in writing by any Member so to do, it shall be competent to such Member to require that there be recorded upon the Minutes his written application, together with the answer returned by the High Commissioner to the same.
High Commissioner may act in opposition to Executive Council.	XV.--The High Commissioner may act in opposition to the advice given to him by the Members of the Executive Council, if he shall in any case deem it
Reporting the grounds for so doing.	right to do so; but in any such case he shall fully report the matter to Us by the first convenient
Members may require their adverse opinions to be recorded on the Minutes.	opportunity, with the grounds and reasons of his action. In every such case it shall be competent to any Member of the Council to require that there be recorded at length on the Minutes the grounds of any advice or opinion he may give upon the question.
No submission to the Legislative Council of Ordinances inconsistent with the Mandate.	XVI. No proposed Ordinance which shall be in any way repugnant to, or inconsistent with, the provisions of the Mandate shall be submitted to the Legislative Council.
Rules under which laws are to be enacted.	XVII.--In the enactment of Ordinances the High Commissioner shall observe, as far as practicable, the following Rules:--
Style of Ordinances.	(1) All laws shall be styled "Ordinance," and the

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Ordinances.

and shall be divided into successive clauses or paragraphs, consecutively numbered, and to every such clause there shall be annexed in the margin a short summary of its contents. The Ordinances of each year shall be distinguished by consecutive numbers, commencing in each year with the number one. All Ordinances passed in any one year shall, unless they require to be reserved for the signification of Our pleasure, be assented to by the High Commissioner in that year, and shall be dated as of the day on which the assent of the High Commissioner is given and shall be numbered as of the year in which they are passed. Ordinances not so assented to by the High Commissioner, but reserved by him for the signification of Our pleasure, shall be dated as of the day and numbered as of the year on and in which they are brought into operation.

Different subjects not to be mixed in the same Ordinance. No clause to be introduced foreign to what the title of the Ordinance imports. Temporary Ordinances.

(3) Each different matter shall be provided for by a different Ordinance, without intermixing in one and the same Ordinance such things as have no proper relation to each other; and no clause is to be inserted in or annexed to an Ordinance which shall be foreign to what the title of such Ordinance imports; and no perpetual clause shall be part of any temporary Ordinance.

Description of Ordinances not to be enacted without previous instructions.

XVIII.--The High Commissioner shall not, unless he shall have previously obtained instructions thereupon from one of Our Principal Secretaries of State, or unless the Ordinance shall contain a clause suspending its operation until the signification of Our pleasure thereupon, assent to any Ordinance of any of the following classes, namely:--

(1) Any Ordinance relating to immigration;

(2) Any Ordinance for the divorce of persons joined together in holy matrimony;

(3) Any Ordinance whereby any grant of land or money, or other donation or gratuity, may be made to himself;

(4) Any Ordinance affecting the currency of Palestine or relating to the issue of Bank notes;

(5) Any Ordinance imposing differential duties;

(6) Any Ordinance the provisions of which shall appear inconsistent with obligations imposed upon Us by Treaty or by the Mandate conferred on Us for the Government of Palestine;

(7) Any Ordinance interfering with the discipline or control of Our Forces by land, sea, or air;

(8) Any Ordinance of an extraordinary nature and importance, whereby Our prerogative, or the rights and property of Our subjects not residing in Palestine, or the trade and shipping of the United Kingdom and its Dependencies, may be prejudiced;

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foreign State are not also subjected or made liable;

(10) Any Ordinance containing provisions which are repugnant to any Order in Council in force in Palestine or which have been disallowed by one of Our Principal Secretaries of State.

Ordinances to be sent home duly authenticated.

XIX--(1) When any Ordinance shall have been enacted, the High Commissioner shall forthwith transmit to one of Our Principal Secretaries of State a full and exact copy in duplicate of the same, together with a marginal summary thereof, duly authenticated under the Public Seal of Palestine, and by his own signature. Such copy shall be accompanied by such explanatory observations as may be required to exhibit the reasons and occasion for making such Ordinance.

(2) An authenticated copy of any Rules of Court or any Regulations issued in Palestine shall likewise be transmitted to Us at the first available opportunity after these Rules and Regulations are made.

Collection of Ordinances to be published every year.

XX.--(1) All Ordinances, Proclamations, Rules of Court and Regulations shall be published in the Official Gazette of Palestine.

(2) At the earliest practicable period at the commencement of each year, the High Commissioner shall cause a complete collection to be published, for general information, of all Ordinances, Proclamations, Rules of Court and Regulations enacted during the preceding year.

Minutes of proceedings of the Legislative Council to be kept. Minutes to be sent home after every meeting.

XXI.--Minutes shall be regularly kept of all the proceedings of the Legislative Council, and at each meeting of the Council the Minutes of the last preceding meeting shall be confirmed or amended as the case may require, before proceeding to the despatch of any other business. The High Commissioner shall transmit to Us through one of Our Principal Secretaries of State as soon as possible after every meeting a full and exact copy of the Minutes thereof.

Surveys and reservations to be made before waste lands are disposed of. High Commissioner not to purchase lands without permission.

XXII.--Before disposing of any vacant or waste lands to the Government of Palestine belonging, the High Commissioner shall cause the same to be surveyed and such reservations to be made thereout as he may think necessary for roads or other public purposes. The High Commissioner shall not directly or indirectly purchase for himself any of such lands without Our special permission given through one of Our Principal Secretaries of State.

Appointments to be during pleasure, and in some cases provisional.

XXIII.--All Commissions to be granted by the High Commissioner to any person or persons for exercising any office or employment shall, unless otherwise provided by law, be granted during pleasure only; and whenever the High Commissioner shall appoint to any vacant office or employment, of which the initial

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appointment is to be considered only as temporary and provisional until confirmed or superseded under directions from one of Our Principal Secretaries of State. Provided that the High Commissio- ner shall not make such a temporary or provisional appointment of a person not resident in Palestine.

The High Commissioner shall not appoint any person to any vacant office or employment of which the initial emoluments exceed six hundred pounds a year except with the approval of a Principal Secretary of State.

Suspension of Officers.

XXIV--Before suspending from the exercise of his office any Public Officer, whose annual pensionable emoluments exceed three hundred pounds sterling, the High Commissioner shall signify to such Officer, by a statement in writing, the grounds of the intended suspension, and shall call upon him to state in writing the grounds upon which he desires to exculpate himself, and if the Officer does not furnish such a statement within the time fixed by the High Commissioner, or fails to exculpate himself to the satisfaction of the High Commissioner, the High Commissioner shall appoint a Committee of the Executive Council to investigate the charges made and to make a full report to the Executive Council. The High Commissioner shall forthwith cause such report to be considered by the Council and shall cause to be recorded in the Minutes whether the Council, or the majority thereof, does or does not assent to the suspension, and if the High Commissioner thereupon proceed to such suspension, he shall transmit the report of the Committee and the evidence taken by it, together with the Minutes of the proceedings of the Council, to Us through one of Our Principal Secretaries of State at the earliest opportunity. But if in any case the interests of Our service shall appear to the High Commissioner to demand that a person shall cease to exercise the powers and functions of his office instantly or before there shall be time to take the proceedings hereinbefore directed, he shall then interdict such person from the exercise of the powers and functions of his office.

High Commissioner to report deportations.

XXV.--Wherever any person shall have been deported from Palestine by order of the High Commissioner in accordance with the provisions of the above recited Order in Council, the High Commissioner shall forthwith report to us through a Principal Secretary of State the order made by him and the grounds thereof and the proceedings thereunder.

Regulation of power of pardon in capital cases. Judge's reports

XXVI.--Whenever any offender shall have been condemned to suffer death by the sentence of any Court in Palestine, the High Commissioner shall call upon the

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Council in such cases. To exercise his own judgment: entering his reasons on Council Minutes if unable to accept the advice of the majority.	held of the Executive Council, and he may cause the said Judge to be specially summoned to attend at such meeting and to produce his notes thereat. The High Commissioner shall not pardon or reprieve any such offender unless it shall appear to him expedient so to do, upon receiving the advice of the Executive Council thereon: but in all such cases he is to decide either to extend or to withhold a pardon or reprieve, according to his own deliberate judgment, whether the Members of the Executive Council concur therein or otherwise; entering, nevertheless on the Minutes of the Executive Council a Minute of his reasons at length in case he should decide any such question in opposition to the judgment of the majority of the Members thereof.
British policy in Palestine.	XXVII.--The High Commissioner shall be guided by the statement of British policy in Palestine presented to Parliament by Our Command on the 1st day of July, 1922. While ensuring that the rights and position of other sections of the population are not prejudiced, he shall facilitate Jewish immigration under suitable conditions and shall encourage close settlement by Jews on the land, including State lands and waste lands not required for public purposes.
Blue Book.	XXVIII.--The High Commissioner shall punctually forward to Us from year to year, through one of Our Principal Secretaries of State, the annual book of returns or reports, commonly called the Blue Book relating to the Revenue and Expenditure, Defence, Public Works, Legislation, Civil Establishment, Pensions, Population, Schools, Holy Sites and Antiquities, Course of Exchange, Imports and Exports, Agricultural Produce, Manufactures, the immigration of Jews and the welfare of the Arab population, and other matters in the said Blue Book more particularly specified, with reference to the state and condition of Palestine, and having regard to the obligations of Our Government as the Mandatory of Palestine in accord with Article XXII of the Covenant of the League of Nations.
High Commissioner's absence.	XXIX.--Except in the cases provided for in the above recited Order in Council, the High Commissioner shall not upon any pretence whatever quit Palestine without having first obtained leave from Us for so doing under Our Sign Manual and Signet, or through one of Our Principal Secretaries of State.
Term "High Commissioner" explained.	XXX--In these Our Instructions the term "High Commissioner" shall, unless inconsistent with the context, include every person for the time being administering the Government of Palestine.

Given at Our Court at Saint James's this Fourteenth day of

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